

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE BOARD OF HEARING AID DISPENSERS AND  
5 DENTURISTS; REMOVING DENTURISTS FROM THE BOARD OF DENTISTRY; TRANSFERRING  
6 AUTHORITY OVER DENTURISTS FROM THE BOARD OF DENTISTRY TO THE BOARD OF HEARING AID  
7 DISPENSERS AND DENTURISTS; AMENDING SECTIONS 2-15-1732, 2-15-1740, 37-14-301, 37-16-102, AND  
8 37-29-102, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

9  
10 WHEREAS, hearing aid dispensers and denturists engage in the fitting of health care-related devices  
11 that do not require surgery; and

12 WHEREAS, history indicates that hearing aid dispensers and denturists desire to be licensed but do not  
13 have the number of members sufficient for an independent, cost-efficient board.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16  
17 **Section 1.** Section 2-15-1732, MCA, is amended to read:

18 **"2-15-1732. Board of dentistry.** (1) There is a board of dentistry.

19 (2) The board consists of five dentists, ~~one dentist~~, two dental hygienists, and two public members,  
20 one of whom must be a senior citizen. All members are appointed by the governor with the consent of the senate.  
21 Each licensed member must be licensed to practice as a dentist, ~~denturist~~, or dental hygienist in this state, must  
22 have actively practiced in this state for at least 5 continuous years immediately before the member's appointment,  
23 and must be actively engaged in practice while serving on the board. Each member must be a resident of this  
24 state.

25 (3) Each member shall serve for a term of 5 years. The governor may remove a member only for neglect  
26 or cause.

27 (4) The governor shall fill any vacancy within 30 days.

28 (5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."  
29

30 **Section 2.** Section 2-15-1740, MCA, is amended to read:



1           **"2-15-1740. Board of hearing aid dispensers and denturists.** (1) There is a board of hearing aid  
2 dispensers and denturists.

3           (2) The board consists of seven members appointed by the governor with the consent of the senate. The  
4 members are:

5           (a) one member who ~~shall~~ must hold or be eligible for a certificate of qualification from the American  
6 board of otolaryngology;

7           (b) ~~two members, each of whom~~ one member who has been a licensed hearing aid dispenser for at least  
8 5 years, possesses national certification in audiology, and has a master's level college degree;

9           (c) ~~two members, each of whom~~ one member who does not hold a master's level college degree in  
10 audiology but has been a licensed dispenser and fitter of hearing aids for at least 5 years before being appointed  
11 to the board;

12           (d) three members, each of whom has been a licensed dentist in active practice in this state for at least  
13 5 continuous years immediately before the member's appointment and who is actively engaged in practice while  
14 serving as a member of the board; and

15           ~~(d)(e) two public members, each of whom~~ one public member who is not in the hearing health or  
16 dentistry field and one of whom regularly uses. The public member must be a regular user of a hearing aid  
17 because the person has a demonstrated hearing impairment.

18           (3) ~~(a) Each member shall serve for a term of~~ Except as provided in subsection (3)(b), each member's  
19 term is 3 years. A member may not be reappointed within 1 year after the expiration of the member's second  
20 consecutive full term.

21           (b) For the purposes of the transition to a new board of hearing aid dispensers and denturists, the  
22 governor shall determine which appointee whose term begins prior to July 1, 2009, is to remain on the board.

23           (4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."  
24

25           **Section 3.** Section 37-14-301, MCA, is amended to read:

26           **"37-14-301. Limitation of license authority -- exemptions.** (1) A person may not perform x-ray  
27 procedures on a person unless licensed or granted a limited permit under this chapter, with the following provisos:

28           (a) Licensure is not required for:

29           (i) a student enrolled in and attending a school or college of medicine, osteopathy, podiatry, dentistry,  
30 dental hygiene, chiropractic, or radiologic technology who applies x-ray radiation to persons under the specific

1 direction of a person licensed to prescribe examinations or treatment;

2 (ii) a person administering x-ray examinations related to the practice of dentistry or dentistry if the person  
3 is certified by the board of dentistry or the board of hearing aid dispensers and denturists, respectively, as having  
4 passed an examination testing the person's proficiency to administer x-ray examinations;

5 (iii) a person who performs only darkroom procedures and is under the supervision of a licensed  
6 radiologic technologist or radiologist or is able to show evidence of completion of formal training in darkroom  
7 procedures as established by rule; or

8 (iv) a person who only operates industrial x-ray equipment that does not involve procedures administered  
9 on people.

10 (b) This chapter may not be construed to limit or affect in any respect the practice of their respective  
11 professions by licensed practitioners.

12 (2) A person licensed as a radiologic technologist may perform x-ray procedures on persons for medical,  
13 diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe x-ray  
14 procedures.

15 (3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive  
16 isotopes (radionuclide material) intravenously by the use of venous puncture and saline solution flush upon  
17 request and direction of a licensed practitioner. In the case of contrast media, the licensed practitioner requesting  
18 the procedure, the radiologist, or personnel trained in advanced cardiac life support must be immediately  
19 available in the facility. Injections must be for diagnostic studies only and not for therapeutic purposes. Except  
20 as provided in 37-14-313, permitted injections include peripheral intravenous injections but specifically exclude  
21 intra-arterial injections. An uncertified radiologic technologist, a limited permit technician under 37-14-306, or an  
22 individual who is not licensed or authorized under a separate licensing act may not perform any of the activities  
23 listed in this subsection. A radiologist assistant licensed under 37-14-313 may give injections related to the  
24 procedures authorized by the board to be provided by a radiologist assistant without regard to the restrictions on  
25 radiologic technologists provided in this section, except that when contrast media is used, a licensed physician  
26 or additional medical personnel trained in advanced cardiac life support must be immediately available in the  
27 facility."

28

29 **Section 4.** Section 37-16-102, MCA, is amended to read:

30 **"37-16-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions

1 apply:

2 (1) "Board" means the board of hearing aid dispensers and denturists provided for in 2-15-1740.

3 (2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

4 (3) "Hearing aid" means an instrument or device designed for or represented as aiding or improving  
5 defective human hearing and parts, attachments, or accessories of the instrument or device.

6 (4) "License" means a regular or trainee license.

7 (5) "Practice of selling, dispensing, and fitting hearing aids" means the evaluation or measurement of  
8 the powers or range of human hearing by means of an audiometer and a visual examination of the ear and canal  
9 or by any other means devised and the consequent selection, adaption, sale, dispensing, or fitting of hearing aids  
10 intended to compensate for hearing loss, including eyeglass hearing aids and their fittings, and the making of an  
11 impression of the ear and the subsequent selection of a proper ear mold, but does not include batteries, cords,  
12 or accessories."

13

14 **Section 5.** Section 37-29-102, MCA, is amended to read:

15 **"37-29-102. Definitions.** As used in this chapter, unless the context requires otherwise, the following  
16 definitions apply:

17 (1) "Board" means the ~~state~~ board of ~~dentistry~~ hearing aid dispensers and denturists provided for in  
18 ~~2-15-1732~~ 2-15-1740.

19 (2) "Denture" means any removable full or partial upper or lower prosthetic dental appliance to be worn  
20 in the mouth.

21 (3) "Denturist" means a person licensed under this chapter to engage in the practice of dentistry.

22 (4) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

23 (5) "Immediate denture" means a denture constructed prior to and inserted immediately after extraction  
24 of teeth.

25 (6) "Practice of dentistry" means:

26 (a) the making, fitting, constructing, altering, reproducing, or repairing of a denture and furnishing or  
27 supplying of a denture directly to a person or advising the use of a denture; or

28 (b) the taking or making or the giving of advice, assistance, or facilities respecting the taking or making  
29 of any impression, bite, cast, or design preparatory to or for the purpose of making, constructing, fitting,  
30 furnishing, supplying, altering, repairing, or reproducing a denture."

